

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ MAY 4 - 2015 ★

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JOE HAND PROMOTIONS, INC., : BROOKLYN OFFICE
: :
Plaintiff, : :
: :
-against- : :
: :
WALL STREET RESTAURANT, LLC : :
d/b/a CAFÉ REMY and EDWIN BATIZ, : :
: :
Defendants. : :
: :
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MEMORANDUM & ORDER

14-CV-4267 (ENV)(RLM)

VITALIANO, D.J.

Plaintiff Joe Hand Promotions, Inc. ("Joe Hand") alleges that defendants Wall Street Restaurant, LLC, transacting business as Café Remy ("Wall Street"), and its principal, Edwin Batiz, violated 47 U.S.C. §§ 605 and 553 by illegally intercepting, for their own commercial purpose, plaintiff's scrambled satellite transmission of the "Ultimate Fighting Champion" bouts that aired on February 23, 2013. After defendants failed to appear or otherwise respond to the complaint, plaintiff moved for default judgment.

The Court granted the motion, referring the matter to Magistrate Judge Roanne L. Mann for a Report and Recommendation ("R&R") on damages. Judge Mann's R&R issued on February 20, 2015.

In reviewing a report and recommendation of a magistrate judge, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Further, a district judge is required to “determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also Arista Records, LLC v. Doe 3*, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s report and recommendation, and “may adopt those portions of the [r]eport . . . which are not factually erroneous.” *Price v. City of New York*, 797 F. Supp. 2d 219, 223 (E.D.N.Y. 2011) (citations and internal quotation marks omitted).

In this instance, no objections have been filed, and the time to do so has passed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Judgement shall enter against Wall Street and Batiz, jointly and severally, in the amount of \$11,729.80 in damages and costs, itemized as follows:

- (1) \$3,736.60 in statutory damages;**
- (2) \$7,473.20 in enhanced damages;**
- (3) \$520 in costs.**

The Clerk of the Court is directed to enter judgment accordingly and to close this case.

So Ordered.

**Dated: Brooklyn, New York
April 19, 2015**



s/Eric N. Vitaliano

**ERIC N. VITALIANO
United States District Judge**